

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
February 26, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Steve Braasch, Council Member
Bob Dorsett, Jr., Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem

City Staff:

Frank Salvato, City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Katie Griffin, Director of Finance
Lindsey Withrow, Director of Community Services
Russell Pancoast, Police Chief
Daeric Graeber, Systems Analysis
Barbara Hathaway, Library Director

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, February 26, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Eileen Depew, 511 Duck Lake Drive, asked the City Council to add speed limit signs on Bee Cave Parkway near Ladera Ranch.

Courtney Bunte, Marketing Manager for the Hill Country Galleria, invited everyone to a special event benefitting the Susan G. Komen Foundation.

Barbara Hathaway, Library Director, reminded everyone about the Dr. Seuss event being held on Saturday.

Richard Gambatese, 4636 Mont Blanc, agreed that speed limit signs need to be added to Bee Cave Parkway.

Consent Agenda

- A. Consider approval of minutes of the Regular meeting conducted on February 12, 2013.
- B. Consider approval of the Police Annual Report.
- C. Consider approval of the Library Annual Report.
- D. Consider approval of monthly financial and investment reports
- E. Discuss and consider action regarding ratification of the appointment by the Mayor of Heather Cadenhead to the Charter Commission as a replacement member to Gary Cadenhead who is unable to serve.

Consent Agenda Item A, Minutes, will be considered at the next meeting.

Council Member Goodwin requested that Item C, Library Annual Report, be pulled from the consent agenda for discussion.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Dorsett, to approve Consent Agenda Items B, D and E.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch and Dorsett
Voting Nay:	None
Absent:	None
Abstain:	Council Member Goodwin

The motion carried.

Library Annual Report:

Council Member Goodwin inquired about expanding the library space based on the Public Library Standards.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the Library Annual Report.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Report from Charter Review Commission and discuss and consider action regarding Ordinance No. 139, an order calling a special election for May 11, 2013 for the purpose of allowing the qualified voters of Bee Cave to determine whether the City should adopt Home Rule status and the Home Rule Charter proposed for adoption by the Bee Cave Charter Commission in the manner prescribed by Chapter 9, Texas Local Government Code.

(Discusión y consideración de acción tocante la Ordenanza No. 139, orden que convoca una elección especial para el 11 de mayo, 2013 con el propósito de que los votantes calificados de Bee Cave determinen si la Ciudad deberá adoptar el estatus de Autonomía de la Ciudad y la Carta de Autonomía propuesta para ser adoptada por la Comisión de la Carta de Bee Cave (Bee Cave Charter Commission) en la manera prescrita por el Capítulo 9 del Código Gubernamental Local de Texas.)

Mike Murphy, Chair of the Charter Review Commission, reported on the Commission meetings and introduced the members.

Paul Kline, member of the Commission, thanked the Council and Staff for their support. He thanked City Attorney Patty Akers for her expertise. He commented about the process of developing the Charter.

Heather Cadenhead, Vice Chair of the Commission, also spoke on the process of developing the Charter.

Mr. Murphy reviewed each section of the proposed Charter.

Members of the City Council asked questions and commented on the proposed charter.

Kara King, member of the Commission, stated that the Commission specifically discussed the local ranches and landowners.

Carroll Killebrew, member of the Commission, stated that the purpose of having a charter is to give the city an opportunity to be pro-active instead of re-active.

Don Walden, Developer, urged the Council to put the proposed charter before the voters in May.

Michelle Bliss, member of the Commission, stated that there can be a process to compare ordinances that may be in conflict with the Charter. She said it was unanimous vote of the Commissioners.

Michael Carpenter, 4613 Pyrenees Pass, stated that he attended all of the Commissioner's meetings and was impressed with the process. He urged the Council to approve the proposed Charter.

John Colman, 5201 Vail Divide, stated that there were other problems inside the City not just in the ETJ. He commented that the Charter will bring more transparency.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Dorsett, to approve Ordinance No. 139 calling a Special Election for May 11, 2013.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

The City Council recessed the meeting at 7:48 p.m. and reconvened at 8:01 p.m.

Discuss and consider approval of fiscal security for the site and NPS plans for Lots 1A through 1E, Block A (Bee Cave Senior Living) Mountain Laurel, located at 14058 Bee Cave Parkway.

Discuss and consider action on a final plat of Lots 1A through 1E, Block A (Bee Cave Senior Living) being a re-plat of Lot 1, Block A, Mountain Laurel, located at 14058 Bee Cave Parkway and including approval of fiscal security.

The above two items were opened together.

Community Services Director Lindsey Withrow presented these items. The City requires fiscal to be posted and all covenants and easements to be recorded prior to placing a final plat on the City Council agenda. With increasing frequency, in situations where approval of final plat is a condition of sale of the land, applicants are presenting a timing conflict between City ordinances and requirements from the bank and title company. The City Attorney, staff, the West Travis County Public Utility Agency, the current land owner (CCNG), and the future land owner (Meridian) have devised a revised sequence that protects the City if the Council proceeds with a conditional plat approval, but also allows the applicants to close.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Braasch, to approve fiscal security for the site and NPS plans for Lots 1A through 1E, Block A (Bee Cave Senior Living) Mountain Laurel, located at 14058 Bee Cave Parkway and a final plat of Lots 1A through 1E, Block A (Bee Cave Senior Living) being a re-plat of Lot 1, Block A, Mountain Laurel, located at 14058 Bee Cave Parkway and including approval of fiscal security, with the following conditions: the Permanent Easements and the Declarations of Restrictions and Easements will be executed and escrowed (by the current and future owners, respectively) with the title company with instructions to be recorded at closing; Council will approve a Letter of Credit obtained by future owner/Meridian that becomes effective at closing and the Plat will be

signed and recorded by the City after closing and funding for fiscal is confirmed to be available by the bank.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on a final plat for Ladera Phase IIIA located on Ladera Boulevard behind Target and approval of fiscal security.

Ms. Withrow presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the final plat for Ladera Phase IIIA and the fiscal security.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the site and NPS plan for Hill Country Indoor subdivision, Phase 1 (offsite improvements) and a variance request to Section 20.04.045(a) - Water Quality Buffer Zones. This property is located next to the Backyard on Bee Cave Parkway at Lot 1, Block A of Skaggs tract.

Victor Booth of LNV Engineering reported on this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to approve the site and NPS plan for the Hill Country Indoor subdivision, Phase 1 and the variance request as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the appointment of a member to the Planning and Zoning Commission, Position 6, and the appointment of a Chairperson.

The appointment of a Commissioner to Position 6 will be postponed until the next meeting.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Auslander, to appoint Michelle Bliss as Chair of the Planning and Zoning Commission.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on Resolution No. 2013-05, a Resolution suspending the implementation of the interim rate adjustment under Section 104.301 of the Texas Utilities Code by Texas Gas Service Company.

City Administrator Frank Salvato presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve Resolution No. 2013-05.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on the purchase and installation of lighting for the Bee Cave Police Department parking lot.

Police Chief Russell Pancoast presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Auslander, to approve the bid from Randall Electric in the amount of \$5,000.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett
and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Adjournment

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett
and Goodwin
Voting Nay: None
Absent: None

The motion carried.

The City Council adjourned the meeting at 8:49 p.m.

PASSED AND APPROVED THIS _____ DAY OF MARCH, 2013.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary